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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/676,943	09/30/2003	Katsuyuki Ochiai	44471-292886	7852

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EXAMINER

HUYNH, NAM TRUNG

ART UNIT	PAPER NUMBER
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2617

MAIL DATE	DELIVERY MODE
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05/09/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/676,943

Applicant(s)

OCHIAI ET AL.

Examiner

Nam Huynh

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address.--

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 February 2007.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

This office action is in response to amendment filed on 2/13/2007. Of the pending claims 1-6, none were amended.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brandt (US 2003/0146821) in view of Giesler (US 6,992,565), and further in view of Guindulain Vidondo (US 6,779,719).

Regarding claims 1-2, and 5-6, Brandt discloses a system for providing goods or services that includes a goods or services provider and an electronic device that is typically a cellular telephone that includes a RFID module affixed to the inner surface of the rear cover carried by a user (pages 1, 2, paragraphs 14-16). The goods/service

provider (second computer) and the RFID module (first computer) both include input/output units (first and second transceivers) that permit communications of data between the two devices (page 2, paragraphs 18,19, 23). In operation of the invention, when the user of the electronic device wishes to obtain goods or services from the provider, the user positions the electronic device so that its input/output unit is adjacent to the input output unit of the goods/services provider and uses the electromagnetic field emitted to transfer data from the memory of the electronic device to the goods/service provider (page 2, paragraph 23). The data can be read to be monetary information for the user because it may identify the electronic device that is associated with a charge account for receiving goods/services from the provider.

However, Brandt does not explicitly disclose that the RFID module and the goods/service provider use the human body to serve as an electric field to push a conductive pusher, with an insulator, in order to receive goods or service from the provider. Giesler discloses an electronic communications system for a vehicle, including a base station (second transceiver), which is accommodated in the vehicle, and at least one portable data carrier (first transceiver), which is arranged to exchange data signals with the base station (abstract). The data carrier comprises a first data signal processing circuit arranged to receive and/or transmit the data signals from and to the base station (column 4, lines 26-28). The base station comprises a second data signal processing circuit that is arranged to receive/transmit the data signals from and to the data carrier (column 4, lines 35-37). In an embodiment of the invention with reference to figure 2, an electrode of the data carrier (item 4) is coupled to the body of

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the user (item 9) (inducing an electric field in a human body). Via displacement currents (item 12) within the body of the user (a human body serving as an electric-field propagating medium), the data signals from the data carrier are extended to the hand of the user. In an embodiment of the invention that allows a user to utilize the data carrier to start a vehicle, data signals from the data carrier are transferred to the base station via an electrode, that may be insulated (column 7, lines 4-12), that is mounted on the surface of a pushbutton switch (conductive pusher) when the user presses on it with his/her hand (column 7, lines 15-25). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Brandt and couple the RF module to the body of the user and allow data to be communicated between the RF module and the goods/service provider when the user touches a button on the goods/service provider, as taught by Giesler, in order to allow a user to keep the electronic device in or under his/her clothing or in a purse or the like (Giesler column 3, lines 7-9).

The combination of Brandt and Giesler does not explicitly disclose a switch to transfer press information to the goods/service provider (second computer). Guindulain Vidondo discloses a combined system of automatic selling of products and services that comprise a plurality of push buttons (figure 1, item 5) that correspond to a product (column 4, lines 15-17). Therefore it is obvious to one of ordinary skill in the art at the time the invention was made to include push buttons that correspond to a product, as taught by Guindulain Vidondo, in the goods/service provider of the combination of Brandt and Giesler, in order to inform the goods/service provider of the desired/selected

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product that the user wants to obtain in addition to the data to complete or initiate the financial transaction.

Regarding claim 2-4, it is further obvious that in the combination of the three inventions described above, that each of the plurality of buttons on the goods/service provider may have an input/output unit (Brandt) with a conductive portion (Giesler) and a switch/selecting portion that identifies itself (Guindulain Vidondo).

Response to Arguments

4. Applicant's arguments filed 2/13/2007 have been fully considered but they are not persuasive.

5. In response to applicant's argument that there is no suggestion to combine Brandt and Giesler, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, a user of the invention of Brandt must position the RFID module in proximity of the input/output unit of the goods/service provider in order to receive desired goods or services. Giesler teaches the use of the human body as an electric field propagating medium for communication between two electronic devices and allows a user to keep the electronic device in or under his/her clothing or in a purse or the like (Giesler column 3, lines 7-9). Therefore by applying the teachings of Giesler to Brandt, a user does not have to place

his/her electronic device in proximity of the goods/service provider and alternatively can carry the device in his/her clothing or in a purse or the like which adds convenience to a user who desires to utilize the invention.

6. Applicant asserts that the combination of references do not describe communication between a first transceiver and a second transceiver when the user touches or presses a conductive pusher. This assertion has been addressed above by the citation of an embodiment of Giesler in which a user of the invention pushes a pushbutton to actuate a starting operation of the vehicle.

7. Examiner asserts that the limitations set forth in claims 1 and 6 are taught/disclosed by the combination of Brandt, Giesler, and Guindulain Vidondo. Brandt teaches the first/second computer, the first/second transceiver, and the communication of monetary information between the first and second computer. Giesler teaches the transfer of data from one electronic device to another using the human body as an electric field propagating medium for communication between the two electronic devices and the insulation of an electrode or pushbutton. Guindulain Vidondo teaches the transfer of press information when a user pushes a button to make a selection from a goods/service provider.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nam Huynh whose telephone number is 571-272-5970. The examiner can normally be reached on 8 a.m.-5 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571-272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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NTH
5/3/07


GEORGE ENG
SUPERVISORY PATENT EXAMINER